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Letter dated 29 July 1996 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit to you the aide-mémoire regarding the inappropriate conduct of the Republic of Greece towards the Republic of Macedonia vis-à-vis the Interim Accord of 13 September 1995 between the two countries.

I would be grateful if you would have the text of the present letter and its annex distributed as a document of the General Assembly, under agenda item 81, and of the Security Council.

(Signed) Dr. Denko MALESKI
Ambassador

96-19296 (E) 010896 030896

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ANNEX

Aide-mémoire dated 23 July 1996 regarding the inappropriate conduct of the Republic of Greece towards the Republic of Macedonia vis-à-vis the Interim Accord of 13 September 1995 between the two countries

I

1. During the negotiations and especially at the last round of negotiations, before the initialling of the Cooperation Agreement between the Republic of Macedonia and the European Union (EU), on 20 June 1996 at Brussels, by the European Commission, and under the pressure of the Republic of Greece, the European Commission strongly insisted on the use of the designation of the United Nations in the text of the Agreement. Therefore, our proposal to neutralize the whole text of the Agreement, i.e., instead of the reference "FYROM" to use "Contracting State", with a footnote that that referred to the country which had been admitted to membership of the United Nations by General Assembly resolution 47/225 of 8 April 1993, was not accepted. We explained that we had suggested this, with the purpose that such a neutralized text would be most acceptable for the European Commission, taking into consideration that Greece was a member of the EU, and at the same time that such a text was most suitable for ratification in our Parliament. However, owing to the obstruction of Greece, the Agreement, on the insistence of the European Commission, was initialled by way of an exchange of letters. Our letter explained that we accepted the agreed text but we did not accept the reference for our country, since our constitutional name is the "Republic of Macedonia". Greece made an attempt to obstruct this form and thus postpone the initialling of the Agreement; however, we still managed to reach a mutual solution.

2. In connection with the regulation of trade in some products, in one part of the Agreement, where there is specific documentation and where the countries are identified by two letters, we suggested that our country be identified by the letters "MK". Under the pressure of Greece the European Commission did not accept our proposal; therefore a numerical identification for the trade in those products with EU member States was agreed, i.e., all countries, including our country as well, were to be indicated by numbers. This represented an exception from the already accepted international code for our country (MK) in several international systems where such an identification is essential (Vienna Transport Convention, International Organization for Standardization, Internet, etc.).

3. Greece exerted strong pressure through the European Commission with regard to the mention of the Macedonian language in the text of the Agreement; thus it was stated in the relevant article that the Agreement had been drawn up in all the official languages of the Contracting Parties.

4. Besides the temporary disrespect of the provisions of the Interim Accord signed on 13 September 1995 in New York, which represented a first step towards regulating the relations between the Republic of Macedonia and Greece, and regulation of the relations with the EU, the European Commission suggested in

the preamble to the Cooperation Agreement that the Interim Accord be set up as a factor for regional stability which favoured the relations of cooperation between the Republic of Macedonia and Greece.

With the above-mentioned activities and measures, Greece managed to complicate the initialling of the Cooperation Agreement with the EU, which may be an indication that it would continue similar activities during the implementation of the Agreement, due to start on 1 January 1997.

II

1. We have been informed through the Liaison Office of the Republic of Macedonia in Athens and the Chamber of Commerce of the Republic of Macedonia that from time to time, in particular cases, the Greek Customs has not accepted the certificate of origin of goods from Macedonia, EUR-1, although this issue had been regulated with the practical measures completed according to article 5 of the Interim Accord as well as with EU Regulation No. 343/92 (Official Journal I, 38/92). This hampered the preferential treatment of particular goods entering the EU.

2. On 17 July 1996, the aeroplane of the Macedonian airline company "Palor Macedonian" was held for several hours at the Corfu airport in Greece and the word "Macedonian" was painted over. This act of the Greek authorities was not in accordance with the provisions of the Interim Accord (article 8) and did not reflect the spirit of the confidence-building measures between the two countries.

3. Citizens of the Republic of Macedonia who were born in Greece cannot travel to Greece because the Greek authorities do not issue visas for them. This is contrary to international norms and regulations, as well as the provisions of the EU for the free movement of persons.

III

The Conference of Foreign Ministers of Countries of South-eastern Europe, which was held recently at Sofia without the presence of Macedonia, opened several issues regarding the implementation of the Macedonian-Greek Interim Accord of 13 September 1995.

During the preparations, the Macedonian side made efforts to prevent what actually happened at the meeting: the absence of one of the two parties. Taking into consideration the understandable problems on the Greek side caused by the convening of the meeting in a country which had recognized Macedonia under its constitutional name, with the aim of the successful realization of this regional initiative, the Macedonian delegation pointed this out and offered a solution in the spirit of the Interim Accord, namely, giving up the possibility of insisting on the use of the name "Republic of Macedonia". This was offered in all segments where this issue occurred so as to avoid the use of names of countries. Instead, it was proposed that the names of the Foreign Ministers be used.

The Greek side had accepted this solution at the preparatory meeting held on 3 May 1996, as had the other countries, also owing to the fact that a similar formula had been applied at the previous Balkan meetings (Belgrade 1988, and Tirana 1990).

At the last preparatory meeting, held on 5 July 1996, the Greek side first refused participation in the preparatory meeting if the Macedonian delegation did not agree to use the aforementioned reference, and subsequently rejected any contact with the Macedonian delegation.

Owing to the fact that the host had decided to use the reference in a case of disagreement, the Macedonian delegation was practically forced to leave the preparatory meeting and not to take part in the Ministerial Conference.

With regard to the Interim Accord, we consider that the following provisions have been breached:

(a) The spirit of the Interim Accord, in the first preambular paragraph of which the same formula is applied: the names of the Ministers without the corresponding country names; further, the terms "Party of the First" and "Party of the Second" are applied;

(b) Article 5 (2), in which it is anticipated that, taking into consideration the difference regarding the name, both parties shall cooperate and seek practical measures, so that the difference shall not present an obstacle;

(c) Article 8 (2), which provides for the possibility of requesting the good offices of the European Union and the United States of America, was not utilized;

(d) Article 11 (1), under which both parties are obliged not to raise objections to membership in regional institutions. Also, Greece departed from the reference contained in Security Council resolution 817 (1993) by using the abbreviation "FYROM", which is not contained in that resolution;

(e) Article 21 (2), which anticipates the settlement of disputes by peaceful means only; in the given situation an ultimatum was presented stipulating that either the reference should be accepted or Greece would not take part in the meeting;

(f) Article 22, which anticipates that the Interim Accord is not directed against another country, i.e., against relations with a third country; in this case it resulted in the non-observance of the Macedonian-Bulgarian agreements according to which Bulgaria (as well as a number of other participating countries) shall use the constitutional name of the Republic of Macedonia.